

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4331 of 1996

BABUBHAI NAROTTAMBHAI SHAH THROUGH HEIRS AND LEGAL
REPRESENTATIVES ARUNBHAI B. SHAH & OTHERS

Versus

STATE OF GUJARAT

Appearance:

MR MUKUND M DESAI for Petitioners
MR SJ DAVE AGP for Respondent No. 1
RULE SERVED for Respondent No. 2, 3, 4

CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 18/08/1999

ORAL JUDGEMENT

1. This petition arises from orders passed under the provisions of the Urban Land (Ceiling & Regulation) Act, 1976.

2. It is common ground on both sides that the State of Gujarat adopted the Urban Land (Ceiling & Regulation) Repeal Act, 1999 on 30th March, 1999.

3. It is also common ground on both sides that by virtue of section 4 of the Repeal Act, all proceedings pending on the said date shall abate.

4. It is so found and accordingly held, and the present petition is disposed off accordingly.

5. Learned AGP states on instructions that the State of Gujarat will abide by the Circular issued by the State Government in the Revenue Department No. ULC/1099-602/V1 dated 15th April, 1999.

6. Rule is accordingly discharged with no order as to costs. Interim relief, if any, stands vacated.

7. I may merely observe on the basis of the record of the present petition that the petitioners appear to be in actual and physical possession of the property in question. Even the parawise remarks available with the learned AGP which have been made available to me indicate that the proceedings at the relevant point of time rested at the stage of notice under section 10(5), and it would appear that the petitioners are in possession. It is clarified that these are mere observations based upon the record of the present petition, and are not to be regarded as findings of fact on any factual controversy between the parties.

(Y.B. BHATT, J.)

pirzada/-